

## EMAIL

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Department of Education

Ref: 22/CJS/KY/101

29 September 2022

Dear Team

### **Re: Review of School Governance**

The Northern Ireland Commissioner for Children and Young People (“NICCY”) was established in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons.

The Commissioner’s remit includes children and young people up to 18 years, or 21 years, if the young person is disabled or in the care of social services. In carrying out her functions, the Commissioner’s paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (“UNCRC”).

NICCY welcomes the opportunity to respond to the Department of Education on school governance issues and appreciates the extension given to facilitate submission of our response. Our response is not intended to be comprehensive but instead highlights key issues for NICCY in relation to School Governance.

### **Accountability**

A key issue of concern to NICCY relates to accountability of decision-making by Boards of Governors (BoGs). Through our work with children and young people, parents and carers, NICCY

is aware of, and has consistently highlighted, the need for enhanced transparency, inclusiveness and accountability of BoGs' decision-making processes across a range of areas, including:

- School costs, including school fees ('donations') and other charges made to parents;
- School uniform costs and associated policies;
- Inclusion and behaviour policies, including use of restrictive practices in schools. For example, our Review of Restraint and Seclusion 'Neither Seen Nor Heard' highlighted poor understanding of the appropriate use of restrictive practices in some schools and a lack of accountability in respect of BoGs' decision making in response to complaints about restrictive practices, with no apparent mechanism to challenge BoG's decisions; and
- Ethos related to curriculum provision specifically in Relationships and Sexuality Education (RSE). In particular, NICCY is highly concerned that the current system, which places decision making about the delivery of selected content of the RSE curriculum rests at the discretion of schools and governors. It is vitally important that such educational provision is consistent, age appropriate and effective to adequately equip them for life.
- Participation of children and young people - NICCY considers it vital that young people are involved in decision making processes in schools via Schools' Councils, fora etc on areas affecting them e.g. in curriculum content and provision and/or other relevant issues.

NICCY strongly recommends that in order to enhance BoGs' effectiveness and accountability of decision making, a system that promotes greater levels of transparency and the inclusion of young people and other relevant stakeholders in decision making processes alongside a mechanism for challenging BoGs decisions is introduced.

### **Training for Governors**

NICCY strongly believes that, in order to ensure governors are supported to discharge their governance responsibilities and undertake their role effectively, and that children's rights within education are upheld, provision of mandatory training for school governors is essential. While this will require significant investment in terms of both funding and governors' commitment of time, mandatory training will contribute to enabling governors to manage the school in a way that provides the best possible educational experience and outcomes for all pupils. As a minimum, governors must be equipped with the requisite skills and knowledge to meet their legal obligations and discharge their duties under relevant legislation and policies, including governance, the Addressing Bullying in Schools Act, the SEND Act, Safeguarding and Child Protection in schools' guidance.

Furthermore, NICCY recommends that training should be available in school governance mechanisms and responsibilities. It is vital that an appropriate skills mix is achieved in the composition of BoGs including the above, legislative obligations, finance, HR, child protection. Additional training needs of BoGs should be determined through the implementation of a suitable 'skills audit' mechanism.

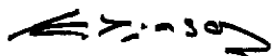
## Composition

Effective governance requires diversity of board membership to enable decision making by individuals with a variety of skills and lived experiences, so that BOGs are best placed to reach decisions that will enhance children's educational experiences and outcomes. Yet, in Northern Ireland, it is widely recognised that the composition of BOGs varies considerably across sectors and is typically not representative of the wider population.

Furthermore, while policy and research highlight the importance of schools developing strong links to the community, NICCY are concerned that, in practice, school boards often operate as 'independently' or separately, thereby limiting their capacity to understand, and respond fully and effectively, to the needs of the communities they serve.<sup>1</sup> NICCY strongly recommends that steps are taken to enhance the diversity of board membership, though the use of open and formal recruitment and selection processes that seek to appoint appropriately skilled governors take on the role.

Finally, I look forward to further engagement on this important piece of work.

Yours sincerely



Koulla Yiasouma  
**Commissioner**

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<sup>1</sup> E.g. A Fair Start Final Report and Action Plan; Policy for Sustainable Schools; Every School a Good School.